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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,511	01/20/2000	Yoshinori Aoki	12819-(JA999-099)	4532

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EXAMINER

SCHLAIFER, JONATHAN D

ART UNIT

PAPER NUMBER

2178

DATE MAILED: 09/07/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/488,511

Applicant(s)

AOKI ET AL.

Examiner

Jonathan D. Schlaifer

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-2, 4-10, 12-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10 and 12-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This office action is in response to: Amendment to Application 09/488,511, filed 7/14/2004. Claims 1-2, 4-10, and 12-20 are pending on the application. No claims have been amended.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 2, 4-10 and 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cragun et al. (USPN 6,161,112—filing date 5/19/1998), hereinafter Cragun, and further in view of Burba et al. (USPN 6,601,232—provisional application filed 5/4/1998), hereinafter Burba.**
3. **Regarding independent claims 1, 9, and 16, Fig. 5 of Cragun discloses a system for customizing a Web page by using at least one computer on which a browser for browsing a Web page runs, said system comprising: means for requesting an original Web page to be customized (Fig. 5 [output line of 510]); means for receiving said requested original Web page (Fig. 5 [input line of 510]) in which a program for customizing a page is embedded (Fig. 5 [129: Presentation Control Mechanism] discloses a customizing program which allows the user more control over the presentation of the web page. See Col. 5 lines 64-66); web browser means for displaying said received original Web page (Fig. 5 [126: Web Browser]); means for having said program display a control panel for a**

Art Unit: 2178

customizing operation (Figs. 11 and 12 display a control panel of the control mechanism of 129 for customizing the presentation of the web page); means for customizing a Web page according to a customizing operation by a user using said control panel (Figs. 11 [Allow Size Change, Allow Motion, Show Detail] disclosing control panel for customizing the web page) while said original Web page is retained for other users (Col. 11 lines 2-3 of Cragun disclose the user customizes a web page to his or her own individual taste, therefore the original web page from the server 230 of Fig. 5 does not change and is retained for the other user); and means (Fig. 1 [120]) for storing data pertaining to customizing operation, and the web page is dynamically restored with the customizing data when subsequently accessed by the user (see Fig 4, Step 450 presenting a customized web page to the user according to the customizing [Setup/Change] data attribute of the web page presentation items in Step 440). However, Cragun fails to disclose means for embedding a customizing program in said requested original web page. Fig. 1, 2 and Col. 6 lines 39-64 of Burba et al. disclose online web page (Fig. 2) testing procedures having customizing program (Fig. 2 Menu [30-38]) embedding in the web page, which allows the user to open, create, edit, delete, change, and modify the online testing procedures of the web page, comprising: means (Fig. 1[18]) for embedding (Fig. 2[30-38]) a customizing program (Fig. 1[22]) in said Requested original web page (See Fig. 2 Menu [30-38])). Cragun and Burba are solving a common subject matter for customizing a web page. It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the embedding customization program in the original web page taught by Burba to web-page-customizing of Cragun for the

purpose of providing a system user with a friendly interface and minimizing the interface between user and tools wherever appropriate (Burba Col. 6, lines 41-43).

4. **Regarding dependent claims 2 and 10**, Cragun modified by Burba as applied to claims 1 and 9 above further discloses said means for requesting a Web page (Fig. 5[127]) is a means for requesting a page from a Web server via a server or for requesting a locally stored Web page (see Cragun Fig. 5[230] disclosing requesting a web page through a server).
5. **Regarding dependent claims 4 and 12**, Cragun modified by Burba as applied to claims 1 and 9 above further discloses said means for storing data on a customizing operation and is a means for storing said data on a server (Burba, Fig. 1[10] discloses server 10 with storing data 20 and customizing operations 22 being stored on the server).
6. **Regarding dependent claims 5 and 13**, Cragun discloses that said system further comprises the means for multiple users with multiple computers for customizing the web pages (col. 4, lines 8-10).
7. **Regarding dependent claims 6 and 14**, Cragun modified by Burba as applied to claims 1 and 9 above further comprises the means for customizing a Web page according to a customizing operation by a user using said control panel from said another computer (see Figs. 11 and 12, and Col. 4, lines 35-42).
8. **Regarding dependent claims 7 and 15**, Cragun modified by Burba as applied to claims 1 and 9 above further discloses said program is executable independent of any operating system or browser (Burba, col. 5, lines 17-21 disclose that the customizing program Fig.

2[22] is executable independently on multiple operating systems: Sun/Solaris, Windows NT, Macintosh, PC for client and server).

- 9. Regarding dependent claim 8**, Cragun modified by Burba as applied to claims 1 and 9 above further discloses that said system comprises a means for immediately reflecting a result of a customizing operation on a browser (Cragun Fig. 5[126] discloses the reflection of presentation 128, resulting from customizing program 129).
- 10. Regarding dependent claims 17, 19, and 20**, Cragun modified by Burba as applied to claims 1, 9, and 16 above, further discloses wherein said customizing operation via said control panel includes one or more: adding object, changing an attribute of an object or deleting an object (Cragun, Fig. 10, Fig. 11, and Fig. 12; Burpa Fig. 2 Menu).
- 11. Regarding dependent claim 18**, Cragun modified by Burba as applied to claims 1, 9, and 16 above further disclose wherein said customizing operation is performed without changing an existing web server providing said original web page or said web browser (Cragun Col. 11, lines 2-3 discloses that the user customizes a web page to his or her own individual tastes, therefore the original web page from the server 230 of Fig. 5 does not change and is retained for other users).

***Response to Amendment***

12. Applicant's arguments filed 7/14/2004 have been fully considered but they are not persuasive.
13. Applicant alleges that Cragun's presentation control mechanism cannot be realized with an existing web browser. However, Cragun specifically provides that the best mode of the invention is to be realized (in col. 4, lines 34-42) with a specific type of web browser

Art Unit: 2178

which is being invented by Cragun *in the patent*; hence, this specific type of web browser does exist.

14. Applicant argues that the presented art does not disclose that customization occurs without changing the original web page. However, col. 11, lines 2-3 of Cragun disclose that the user customizes a web page to his or her own individual taste, therefore the original web page from the server 230 of Fig. 5 does not change and is retained for the other user.
15. Applicant argues that the claimed invention involves embedding of the customizing program, but Burba uses CGI, which is not directly embedded in the HTML pages of Burba. However, in col. 3, lines 25-45, Burba edits HTML pages to allow them to work with CGI, thereby embedding features in the pages that allow the CGI to work.

Art Unit: 2178

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 6,408,311 B1 (filing date 6/30/1999)—Baisley et al.

USPN 5,572,643 (filing date 10/19/1995)—Judson

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan D. Schlaifer whose telephone number is (571) 272-4129. The examiner can normally be reached on 8:30-5:00, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

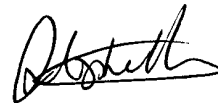


Application/Control Number: 09/488,511  
Art Unit: 2178

Page 8

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS



**STEPHEN S. HONG**  
**PRIMARY EXAMINER**